

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4742 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SURAT LABOUR UNION & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR PC MASTER for Petitioners

MR NN PANDYA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/07/96

ORAL JUDGMENT

Heard learned counsel for the parties. It is not in dispute that Special Civil Application No.422 of 1993, 423 of 1983 and 3607 of 1982, have already been decided by this Court on 30th January 1996. The prayer of the petitioners in this Special Civil Applications is that the respondents may be directed to give them all the benefits which similarly situated government employees are getting in the same department in respect of salary, leave, maternity leave and other service benefits. Further prayer has also been made for treating the

petitioners to give benefits of permanent service or to be placed on workcharged rolls, as the case may be, they should be treated as such and be paid their arrears of special allowance and salary etc. which are not given to them.

2. The learned counsel for the petitioners made a statement before this Court that during the pendency of this Special Civil Application, the Government has taken a resolution dated 17th October 1988, and the petitioners' cases are covered under the said Resolution and they are entitled for all the benefits which they prayed for in this Special Civil Application. It has next been contended that the cognate matters have already been disposed of by this Court on 30th January 1996 and the cases of the petitioners have to be considered also in the light of the said decision.

3. The learned counsel for the respondents, on the other hand, contended that whether the cases of the petitioners are covered under the resolution dated 17th October 1988, is a question to be adjudicated by the concerned authority, which exercise has not been made so far as the petitions were pending before this Court. It has further been contended by learned counsel for the respondents that the respondents shall consider the case of the petitioners with respect to said resolution as well as the decision of this Court, in the cognate matters, dated 30th January 1996.

4. Taking into consideration the subsequent developments which have taken place after filing of this Special Civil Application and the statement made by the learned counsel for the respondents, I consider that interest of justice will be met in case this Special Civil Application is disposed of with directions to the respondents to consider the case of the petitioners in the light of resolution dated 17th October 1988 and the decision of this Court in Special Civil Application No.3607 of 1982, dated 30th January 1996. The case of the petitioners shall be considered by the respondents within a period of three months from the date of receipt of certified copy of this order. In case the petitioners or any of the petitioners is found entitled for the benefits as provided under the said resolution, and decision of this Court, then all the consequential benefits should be given to them or any of them, within a period of two months thereafter. In case the case of the petitioners or any of the petitioners is not covered under the aforesaid resolution and the decision of this Court dated 30th January 1996, the respondents shall pass

a speaking order and a copy of the same may be sent to the concerned petitioners by registered post. It is further made clear that the interim relief which has been granted by this Court in this Special Civil Application in favour of the petitioners shall continue till their cases are considered as ordered aforesaid, by the respondents. This Special Civil Application is disposed of with these directions and Rule is made absolute in aforesaid terms.

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(sunil)